

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 v.) CIVIL ACTION NO. 2:07cv514-WKW
)
SIXTEEN THOUSAND FIVE HUNDRED)
FIFTY TWO (\$16,552) DOLLARS IN)
UNITED STATES CURRENCY,)
)
 DEFENDANT.)

MOTION TO EXEMPT PROCEEDING FROM RULE 26(f)
OF THE FEDERAL RULES OF CIVIL PROCEDURE (FRCP)

Comes now the United States of America (United States), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, and states as follows:

1. This Honorable Court entered a Rule 26(f) Order on August 8, 2007.

2. FRCP 26(a)(1)(E) was amended, effective December 1, 2006, so as to exempt forfeiture actions "*in rem* arising from a federal statute;" from certain portions of said Rule. See FRCP 26(a)(1)(E)(ii). This exemption applies to initial disclosures under FRCP 26(a)(1) and to the conference of parties pursuant to FRCP 26(f). The instant proceeding is a forfeiture action *in rem* arising from a federal statute.

3. Accordingly, the United States moves the Court to exempt this proceeding from those portions of FRCP 26 as specified above.

Respectfully submitted this 9th day of August, 2007.

FOR THE UNITED STATES ATTORNEY
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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/John T. Harmon
John T. Harmon
Assistant United States Attorney